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Attorneys for Defendants,  
Aurora Loan Services, LLC, ING Bank, F.S.B.,  
and Mortgage Electronic Registration Systems, Inc.

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

In Re:

CIRILO CRUZ,

Debtor.

CIRILO CRUZ,

Plaintiff,

vs.

AURORA LOAN SERVICES, LLC; SCME  
MORTGAGE BANKERS, INC.; ING BANK,  
F.S.B.; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
QUALITY LOAN SERVICE  
CORPORATION; and DOES 1 to 100,

Defendants.

Adversary Case No. 11-90116 MM

BK Case No. 11-1133 MM13

Chapter 13

**NOTICE OF MOTION AND MOTION TO  
DISMISS ADVERSARY COMPLAINT  
PURSUANT TO RULE 12(b)(6)**

Date: May 6, 2011

Time: 10:00 a.m.

Dept.: 1

Judge: Hon. Margaret M. Mann

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT ON May 6, 2011 at 10:00 a.m. or as soon thereafter as  
the matter may be heard, in Courtroom 1 before the Honorable Margaret M. Mann of the United  
States Bankruptcy Court, Southern District of California, located at 325 West F Street, San Diego,  
California 92101, Defendants Aurora Loan Services LLC, ING Bank, F.S.B., and Mortgage

1 Electronic Registration Systems, Inc.'s Motion to Dismiss Plaintiff Cirilo Cruz's Complaint will  
2 come on for hearing.

3 The Motion will be made pursuant to Federal Rule of Civil Procedure 12(b)(6), make  
4 applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7012(b), on the grounds  
5 that the Complaint fails to allege facts sufficient to state a cause of action against Defendants.

6  
7 Dated: March 30, 2011

Respectfully submitted,  
**McCARTHY & HOLTHUS, LLP**

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9 By: /s/ James Hester  
James Hester, Esq.  
Attorney for Defendants,  
Aurora Loan Services LLC, ING Bank FSB, and  
Mortgage Electronic Registration Systems, Inc.

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